

Office of Special Masters

No. 05-1241V

Filed: November 30, 2006

DO NOT PUBLISH

ALEJANDRO RODRIGUEZ and)	
LYDIA CISNEROS,)	
)	
)	
Petitioners,)	
)	
v.)	
)	Entitlement; Vaccine-related
SECRETARY OF)	Death; Concession
HEALTH AND HUMAN SERVICES,)	
)	
Respondent.)	
)	

DECISION¹

Petitioners, Alejandro Rodriguez and Lydia Cisneros, as legal representatives of the estate of their daughter, Britney Rodriguez Cisneros, seek compensation under the National Vaccine Injury Compensation Program [“Vaccine Act” or “Program”].² Petitioners timely filed a petition for compensation on November 29, 2005, alleging that Britney received numerous childhood vaccinations³ on December 26, 2003, and died three days later on December 29, 2003 from injuries resulting from her vaccination. *See* Petition (“Pet.”) at 1-2.

¹ As provided by Vaccine Rule 18(b), each party has 14 days within which to request redaction “of any information furnished by that party (1) that is trade secret or commercial or financial information and is privileged or confidential, or (2) that are medical files and similar files the disclosure of which would constitute a clearly unwarranted invasion of privacy.” Vaccine Rule 18(b). Otherwise, “the entire decision” will be available to the public. *Id.*

² The statutory provisions governing the Vaccine Program are found in 42 U.S.C. §§ 300aa-10 *et seq.* For convenience, further reference will be to the relevant section of 42 U.S.C.

³ All of the vaccines Britney received on December 26, 2003 are vaccines listed on the Vaccine Injury Table, 42 C.F.R. § 100.3. It is therefore unnecessary to determine specifically which vaccination caused the injury that led to her death.

The coroner's report was filed as Petitioner's Exhibit ["Pet. Ex."] 9. The Senior Deputy Medical Examiner concluded that, by history and findings, Britney died from sepsis. *Id.*, p. 6. He found severe acute inflammation with abscess formation at the vaccination site in Britney's right thigh. At the request of the respondent, a pediatric pathologist reviewed the autopsy slides. She concluded "that the cause of death was overwhelming bacterial sepsis secondary to infection and abscess formation at one of the vaccination sites." Respondent's Rule 4(c) Report ["Report"] at 5, filed November 13, 2006.

Respondent therefore conceded that petitioners had established sufficient evidence of vaccine causation and were entitled to compensation. Respondent recommended the award of "the maximum statutory amount of \$250,000.00" provided by § 300aa-15(a)(2). Report at 5.

I have reviewed the record as a whole.⁴ I likewise conclude that petitioners have established by the preponderance of the evidence all statutory prerequisites to an award of Program compensation. Therefore, in the absence of a motion for review filed under RCFC Appendix B, the clerk of court shall enter judgment in favor of petitioners Alejandro Rodriguez and Lydia Cisneros for \$250,000.00. Under Vaccine Rule 11(a), the parties may expedite entry of judgment by filing a joint notice renouncing the right to seek review. Then, under Vaccine Rule 12(a), the petitioners may expedite payment by filing an election to accept the judgment.

Denise K. Vowell
Special Master

⁴ See § 300aa-13(a): "Compensation shall be awarded...if the special master or court finds on the record as a whole..." See also, § 300aa-13(b)(1) (indicating that the court or special master shall consider the entire record in determining if petitioner is entitled to compensation).